

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 12, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

FELLERS Having been appointed to read the minutes of the City Council proceedings of December 5, 2016, reported having done so, found same correct.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler came forward to present the Mayor's Award of Excellence for the month of October, 2016 to Cary Steele, Public Safety Dispatch Supervisor for the Communications Unit of the Police Department. Communications Coordinator Julie Righter Dove nominated Steele in the category of productivity for his work to improve the existing cardiac arrest protocol. Mr. Steele attended a Resuscitation Academy in Seattle, Washington with EMS Supervisors from Lincoln Fire and Rescue. He returned with several ideas for way the 911 Center could improve survival rates for patients with sudden cardiac arrest. One of those ideas was the creation of an ECHO response. The ECHO designation is given to those cases with the highest priority. Ms. Righter Dove said Cary was instrumental in creating a process to modify the protocol for these cases to allow for immediate dispatch of EMS personnel and provision of CPR instructions. Ms. Righter Dove wrote, "Since adoption of the ECHO response protocol on June 1, 2016, the 911 Center call processing times for these types of calls has decreased approximately thirty seconds, which can be critical for these types of incidents."

Jeffrey Bliemeister, Chief of Police, came forward and stated that he thinks it is so important in an example like this that Julie Righter Dove shared that Cary Steele not only went out to a training, but that he also took all the information in and brought back changes that can obviously improve some processes in Lincoln and LPD is very appreciative of that. LPD is also appreciative of his communications skills and his team is represented well.

**PUBLIC HEARING**

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$175,000.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 41) - Jane Kinsey, Watchdogs of Lincoln, 6703 Hawkins Bend, came forward in opposition.

Sara Hoyle, Director of Human Services, came forward and shared the amount of \$10,000.00 for the Friendship Home is for 2 specific things: interpretation for their clients who do not speak English as a primary language and to also be able to help clients when the shelter is full to be able to house them elsewhere for safety reasons if the perpetrator of the domestic act is placing the victim in harms way and safety is needed. Ms. Hoyle stated she is not sure what was passed in the Mayors Budget for the Frienship Home.

Leirion Gaylor Baird, Council Chair, stated she was under the impression this was a reflection from what was already passed by Council in the Mayor's budget. Discussion followed.

Jane Raybould, Council Member, shared there are a certain amount of Keno Funds that are designated on an annual basis, then the JBC makes reccommendations on how those funds are disbursed. This reccommendation is coming forward from the JBC on the disbursement on the \$175,000.00 that is currently in the Mayor's Budget. Discussion followed.

Ms. Gaylor Baird asked if the grantee's have been notified, will a one week delay affect the implimentations of the grants, and if one week is sustainable.

Ms. Hoyle stated a one week delay would be fine. All of the services start January 1, 2017, and everyone has been contacted. Everything is contingent upon the County Board, which has already approved it, and the City Council's approval.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CIP CONSTRUCTION CONTRACT MANAGEMENT SYSTEM UPGRADE BETWEEN THE CITY OF LINCOLN AND AURIGO SOFTWARE TECHNOLOGIES, INC - Jeff Kirkpatrick, City Attorney, came forward and stated this item was requested to be placed on pending. There were some adjustments that needed to be made to the contract. The changes are done and the contract has been signed, but the contract was not in Council's packets. The request to place this on pending will allow the signed Agreement to be looked at by Council for the 12/19/16 Council Meeting.

This matter was taken under advisement.

AUTHORIZING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ALTERNATIVES PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO FUND THE CONSTRUCTION OF THE BEAL SLOUGH TRAIL THAT CONNECTS THE HELEN BOOSALIS TRAIL TO THE YANKEE HILL TRAIL, FROM APPROXIMATELY 56<sup>TH</sup> AND LONDON ROAD TO 70<sup>TH</sup> AND YANKEE HILL ROAD - Sara Hartzell, Parks & Recreation, came forward and explained the trail that is being discussed runs along the north side of Highway 2. With the improvements that were recently made along S. 56th Street and widening it to 4 lanes, Public Works Department extended the trail to London Road where it passes under 56th Street at Beal Slough. This project would be picked up at London Road going through City owned property down to Pine Lake Road, where it will be part of an underpass. The creek runs underneath Pine Lake with an improvement project that Public Works is currently working on. This will continue to 70th Street and Yankee Hill, and will essentially provide the trail system to The Village Gardens Development, The Woodlands at Yankee Hill development, and the development on Rokeby Road. Additionally, Yankee Hill Trail is being constructed with the improvements to Yankee Hill associated with the new middle school being built and Jensen Park, which the trail will also connect to. The trail will create a loop that will go to the Billy Wolf Trail and all the way back towards Homes Lake. The approval today is the authorization for the Mayor to be able to enter into the Agreement with Nebraska Department of Roads. This is a trail that is being built with an transportation alternatives program, which has specific funding that the NDOR gets from the Federal Highway Administration. They will pay 80% of costs on the trail, the City will then match 20% and the 20% comes from the impact fees that are collected in this district.

Roy Christensen, Council Member, inquired about alternative options that the impact fees can be spent on.

Ms. Hartzell stated those estimated fees are \$221,000 which are specifically for parks and trails. The district extends from Highway 2 to roughly Pine Lake Road and over to about 27th Street.

Mr. Christensen asked what else inside of Parks & Recreation could the impact fees be spent on.

Ms. Hartzell stated the funds can be used for trail development or for park development in the area.

Mr. Christensen asked if the funds can be used for park maintenance.

Ms. Hartzell confirmed those funds can not be used for any park maintenance. The funds are CIP dollars and for new developments.

Jon Camp, Council Member, asked if the funds can be used for the Jensen Park that is in the area.

Lynn Johnson, Director of Parks & Recreation, came forward and shared the funds are to be used for acquisitions and development of neighborhood parks and also new trails. Jensen Park would not be eligible for these funds because Jensen Park is a community park, not a neighborhood park. The funds are essentially segregated out between acquisition of land for new neighborhood parks and for the extension of the trail network. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked for elaboration on the safe connections for children who use the trail.

Ms. Hartzell said the majority of the commuter trails are set off of the City right of ways. Most trails travel through outlots of developments, go through parks, many have grade separated crossing so children are not actually crossing the street, they are passing over the street or under the street. The trails are maintained and snow is shoveled quickly to continuously keep the trails safe.

This matter was taken under advisement.

**\*\*Council Member Fellers left Chambers at 3:29 p.m.\*\***

**\*\*Council Member Fellers returned to Chambers at 3:31 p.m.\*\***

ASSESSING LIENS FOR COSTS OF REGISTRATION FEES AND PENALTIES FOR NEGLECTED BUILDINGS ON THE PROPERTIES GENERALLY LOCATED AT 1609 SOUTH 27<sup>TH</sup> STREET, 2125 SOUTH 14<sup>TH</sup> STREET, 3275 HITCHCOCK STREET, 1709 NORTH 29<sup>TH</sup> STREET, 3145 S STREET, 2217 NORTH 67<sup>TH</sup> STREET, 2236 Y STREET, AND 5120 L STREET - Chad Blahak, Director of Building and Safety, came forward and explained this is a similar resolution to what Council has seen before. This is in regard to the neglected building registry, which is the program that deals with vacant residential property that come in violation of the housing code or any other code. Assessing liens is a tool to attempt to get the owners to get the properties back into compliance. The properties have accumulated unpaid fees by the property owners and periodically a number of properties are brought to Council to assess the fees against the property in the form of liens and this represents those batch of properties that have reached that point. There is one property on the list that will be removed due to them coming into compliance. There is another property on the list that the City is currently in negotiations with the property owner and some proposals to getting the property in compliance in order to avoid the lien.

Jon Camp, Council Member, asked for clarification the two properties that will be removed due to the owner coming into compliance. There was also no mail that was delivered to 1609 S. 27th by certified mail or by forwarding to other addresses.

Mr. Blahak confirmed the two properties that are being asked to be removed are 3145 S. Street and 2217 N. 67th Street.

John Boies, Chief Housing Inspector, came forward and said the property at 1609 S. 27th is vacant and was burned. The owner moved to another property and mail was also sent to the new address.

Mr. Camp stated from notes he looked at, that mail was sent back undeliverable also.

Mr. Boies explained when the process first started they did have verbal conversation with the owner of that property and they are aware. By the ordinance, they are not required to do registered mail for every notice.

Cyndi Lamm, Council Member, stated the previous attachment they received had more addresses that appear to be blacked out.

Mr. Blahak stated the blacked out properties on the original attachment are properties that were not in compliance at the beginning of the process, but have made efforts to come into compliance.

Ms. Lamm commented that could be an indication that the lien process works.

Juan Rodriguez, 1110 Claremont Street, came forward and stated he is with a non profit organization and they have been trying to sell the property at 2236 Y Street for about a year due to financial reasons of not being able to keep the house in compliance. The house is not livable and he went to the Fire Department for a possible training which was not an option. He has spoken to individuals who flip houses and what they are offering for the house is very low. Habitat for Humanity is currently looking into the option of purchasing the house. They are ok with taking a loss and allowing Habitat for Humanity to purchase the home to be able to lift the lien. An extension would be helpful to allow time to get paperwork in order and to sell the property.

Jane Raybould, Council Member, asked if there was a specific time line Mr. Rodriguez was asking for to be able to sell the house.

Mr. Rodriguez asked for one or two months due to the holidays and all the paperwork that would be involved.

Mr. Boies confirmed he would be fine with a one month extension and thinks that would be an adequate amount of time.

Chris Connelly, City Attorney, came forward and confirmed he received an email regarding the property at 2217 N. 67th and there is an arrangement that has been worked out with the property owners attorney and that property can also be removed from the list of liens.

This matter was taken under advisement.

**ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016** - Brent Meyer, Lancaster County Weed Superintendent, came forward and shared that through Interlocal Agreement for the past 20 years, they have provided the weed abatement services to the City of Lincoln. The resolution just allows the assessment of weed abatements, and not the noxious weeds, which is handled through State Law. The properties on the attachment are properties that have not paid and notices have been sent to property owners advising them their properties would be assessed as liens.

Carl Eskridge, Council Member, stated he sees several addresses on the attachment that are the same and inquired about the process to contact individuals after a first offense, and subsequent offenses.

Mr. Meyer explained in 2015 there were 32 parcels that were forced on twice, and 1 parcel that was forced on three times. In 2016, there were 17 parcels that were forced on twice, and 5 parcels that were forced on three times. Those types of situations are the worse of the worst and they will hopefully get transitioned out through foreclosure. There are administrative fees on top of what the contractor charges. In Omaha, they do an increasing fined fee and every time a parcel is sited the fee increases. Lancaster County can not have increasing fees because they are not fines, they are administration costs, and it is hard to justify administrative costs going up on the second and third time a parcel is cited. There is a lot of effort put forth to attempt to contact the property owners which, at times, can be hard if a property owner has moved and there is no record of a current address. They have implemented a new system with placing orange 'warning' signs on the parcel. This process has been helpful because if a property owner can not be contacted by mail most times they do see the notice on the parcel. Over 467 properties were finalized due to using the warning signs. Discussion followed.

Jane Raybould, Council Member, asked why one item on the list had a higher cost than the other parcels on the list of liens.

Mr. Meyer clarified the property in question took a huge hit on the weed abatement program because they had a lot of tree cutting, a lot of hauling to the landfill, and a lot of chipping of trees. It is in the ordinance that Weed Abatement can handle volunteer trees, but they try not to handle the trees because of the cost. Discussion followed.

This matter was taken under advisement.

**STREET & ALLEY VACATION 16004 – VACATING A PORTION OF THE NORTH 46<sup>TH</sup> STREET PUBLIC RIGHT-OF-WAY BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF ORCHARD STREET AND THE NORTH RIGHT-OF-WAY LINE OF Y STREET. (RELATED ITEMS: 16-121, 16-122, 16R-261); CHANGE OF ZONE 16029 – APPLICATION OF JUDETH AND HAROLD HOPPE FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT AND FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 46<sup>TH</sup> AND ORCHARD STREETS. (RELATED ITEMS: 16-121, 16-122, 16R-261);**

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USE PERMIT 16008 – APPLICATION OF JUDETH AND HAROLD HOPPE TO ALLOW FOR THE CONSTRUCTION OF AN OFFICE IN AN R-T RESIDENTIAL TRANSITION DISTRICT, WITH WAIVERS TO R-T DISTRICT PARKING LOT SETBACKS AND SIGN LOCATION, ON PROPERTY GENERALLY LOCATED AT NORTH 46<sup>TH</sup> AND ORCHARD STREETS. (RELATED ITEMS: 16-121, 16-122, 16R-261) (ACTION DATE: 12/19/16) - J.D. Burt, 2118 S. 38th Street, applicant, came forward and shared this project started 9 months to a year ago for Habitat for Humanity. Judith and Harold Hoppe own 1/2 block of undeveloped real estate, generally located at the southeast corner of 46th and Orchard. After speaking with the Planning Department they had to reconfigure lot lines. When the lot lines were reconfigured, it was established that no one wanted 46th Street, which is the need for the vacation. The ending result is a lot that is adequate enough for Habitat for Humanity at the northeast corner of the property, which is the need for the R-T zoning. The neighborhood did not want multi family in this area and is very receptive to the idea of this not being multi family. This plan is for single family adjacent to existing properties, 2 duplex lots on Y Street, one of which is where there are existing radio towers. The tower will prevent any residential use on the that property until the tower is gone. Essentially there is 1 duplex lot on Y Street that will be available for sale, 1 single family on Y Street, and 1 single family on Orchard Street.

Jerry Boyce, 4631 S. 67th Street, Habitat for Humanity Construction Manager, came forward and stated they would be building an office building in this space that looks like a single family home to be able to blend in with the surrounding neighborhood. Other than the size, a sign in the front yard, and a larger driveway, it still will appear like a single family home and should blend in very well. Discussion followed.

This matter was taken under advisement.

AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$320,000 IN TIF FUNDS FOR THE VICTORY PARK – VA CAMPUS PHASE 1 VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) HOUSING PROJECT. (RELATED ITEMS: 16-123, 16R-267) (ACTION DATE: 12/19/16);

AUTHORIZING AMENDMENTS TO ORDINANCE NO. 20261 APPROVED OCTOBER 26, 2015 AUTHORIZING TAX ALLOCATION BONDS FOR THE VICTORY PARK – VA CAMPUS REDEVELOPMENT PROJECT. (RELATED ITEMS: 16-123, 16R-267) - David Landis, Director of Urban Development, came forward and stated because of the time frame and the importance of action, the Victory Park Redevelopment Agreement was approved first because it was a resolution and that allowed the timeline for the project to be met. These two are ordinances that required three readings, which is why they appear at a different time than the Redevelopment Agreement. The CIP is specific to the VASH housing and this action is to create the CIP authority for \$320,000 of tax increment financing for that part of the project. The second ordinance is for the overall project and there was action taken about a year ago and that action outlined a total amount of investment and a total amount of tax increment financing. Since that time frame, things have changed, the projections of what would be built if the whole project was to go forward and that grew from \$120 million to \$128 million, and the amount of TIF grew from \$7.1 million to \$7.6 million. There is a maximum of interest on the TIF bonds should they be released and that is 8%. In the event the project goes forward, and additional phases are added, they will appear in front of Council one phase at a time and a CIP amendment for what would be going forward. This is the reason for the VASH housing appearing as a separate piece and then the canvas upon which the entire project is slated for construction is the second of the two ordinances. This will continue to appear pieces at a time in the CIP.

Leirion Gaylor Baird, Council Chair, clarified that when this was looked at in October, the Amendment to the Redevelopment Agreement was approved and at that time TIF allocations were discussed but at that time the bond ordinance was not amended.

Mr. Landis explained one of the reasons the bond ordinance did not get amended was due to the necessity of hitting a very tight window. The piece of all of this that could be segregated was the Agreement which was a resolution and could be voted on by Council. The ordinances require three readings and a longer timeline. If all these items were merged as a package it would have been over the specific timeline necessary to take action on the VASH Housing. This allows the City to do what they can and meet the VASH Housing timeline and not ask Council to have to do something in a unique way as far as the approval process.

Ms. Gaylor Baird stated depending on the location of the clinic, some of the phases might not come forward in the future. The TIF authorization and the bond ordinance is contingent on the clinic and the additional phases. If this is the case, will the bonds be issued and phased in as they are needed.

Mr. Landis confirmed that projects will come forward individually with a Redevelopment Agreement and the money for that particular project and that will be a separate CIP action.

Jane Kinsey, Watchdogs of Lincoln Government, 6703 Hawkins Bend, came forward in opposition of TIF funds going to private developers.

Kent Seacrest, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, came forward representing Burlington Capital and Senior's Foundation and stated Council previously approved the bond ordinances once and this action is adjusting the amount. There is no real increase other than the \$500,000, which was justified when Council approved the bond ordinance in October. Council authorized and approved the TIF amount and this action is for the bond ordinance and makes the action in October consistent. The different phases were broken down in the Redevelopment Agreement Amendment in October. With the assumption this project stays on track, they will appear in front of Council in different phases as separate bond ordinances as well as approval of the different phases.

Trent Fellers, Council Member, stated the VASH Housing and phase 1 is what would be going forward. The second and third phases of the project depend on action from other people. The second phase would be the clinic, that at this point, the location has not yet been determined.

Mr. Seacrest confirmed that to be correct. The VASH Housing and phase 1 are the current projects that will be going forward. The clinic is now accepting proposals and it is the hope that we will be the successful party that wins that proposal. If that is the case, the remaining phases will go forward and, if not, there will have to be discussion as to what the next phase will be and there will probably be some modification made at that time.

Mr. Fellers asked if phase 3 was open because of the uncertainty of the clinic and there could be other things that happen on the property.

Mr. Seacrest stated this is 60 acres and they are not used to doing TIF projects at that scale. There is more than 3 phases, the agreement outlined 7 phases in total. This would include different type of housing stock.

Mr. Fellers confirmed that the tax increment financing was needed because the infrastructure, the ground, and the sewer pipes were aged and this project could not be performed unless those dollars were used to move forward.

Mr. Seacrest confirmed that to be true, plus the facade, and trying to keep the old historical main hospital along with the other buildings, which need work done. The TIF went into the facade and the historic restoration. There are a lot of federal laws that apply on historic preservation which takes extra work to comply with. Discussion followed.

This matter was taken under advisement.

- CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION BY AMENDING SECTION 2.02.130 TO REDESIGNATE THE TRAFFIC OPERATIONS DIVISION AS THE TRAFFIC ENGINEERING DIVISION, ADDING THE RIGHT-OF-WAY MANAGEMENT DIVISION, AND REPEALING SECTION 2.02.130 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM BY AMENDING SECTIONS 2.76.215, 2.76.220, 2.76.260, 2.76.275, AND 2.76.320 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY CERTAIN MATTERS RELATING TO THE HUMAN RESOURCES DEPARTMENT INCLUDING APPLICATION PROCEDURES, VETERAN PREFERENCES, EXAMINATION STANDINGS, AND REMOVAL OF NAMES FROM ELIGIBILITY LISTS AND REPEALING SECTIONS 2.76.215, 2.76.220, 2.76.260, 2.76.275, AND 2.76.320 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LIBRARY BOARD BY AMENDING SECTIONS 4.20.020, 4.20.030, AND 4.20.040 TO CLARIFY CERTAIN LIBRARY BOARD PROCEDURES AND REPEALING SECTIONS 4.20.020, 4.20.030, AND 4.20.040 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 4.24 OF THE LINCOLN MUNICIPAL CODE ENTITLED "LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD" BY AMENDING SECTION 4.24.070 RELATING TO POWERS AND DUTIES; SPECIFICALLY TO REFER TO THE APPROPRIATE ARTICLE IN THE CITY CHARTER; AND REPEALING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY REPEALING CHAPTER 5.18 ENTITLED "CHARITABLE SOLICITATIONS" IN ITS ENTIRETY BY REPEALING SECTIONS 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050, 5.18.060, 5.18.070, 5.18.080, 5.18.090, 5.18.100, 5.18.110, 5.18.120, AND 5.18.130;
- CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE ENTITLED "ANIMAL CONTROL REGULATIONS – GENERALLY" BY AMENDING SECTION 6.04.210 RELATING TO PERMIT REQUIRED TO HAVE ANIMAL EXHIBIT OR RIDES TO CHANGE THE REFERENCE FROM PERSHING AUDITORIUM TO THE PINNACLE BANK ARENA; AND REPEALING SECTION 6.04.210 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 14.24.060 OF THE LINCOLN MUNICIPAL CODE RELATING TO STREET NUMBER ON CURB OF PAVING TO AMEND THE DESCRIPTION OF HOW ADDRESS NUMBERS CAN BE PAINTED ON CURBS; AND REPEALING SECTION 14.24.060 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 17.58 OF THE LINCOLN MUNICIPAL CODE ENTITLED "REGULATION OF WASTEWATER DISCHARGE" BY AMENDING SECTIONS 17.58.010, 17.58.050, 17.58.060, 17.58.110, 17.58.135, AND 17.58.170 TO REDESIGNATE WASTEWATER TREATMENT PLANTS AS WATER RESOURCE RECOVERY FACILITIES; AND REPEALING SECTIONS 17.58.010, 17.58.050, 17.58.060, 17.58.110, 17.58.135, AND 17.58.170 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;
- TECHNICAL AMENDMENTS ORDINANCE AMENDING CHAPTER 27.67 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING BY AMENDING FIGURE 27.67.040 TO REVISE THE SPECIAL PARKING REQUIREMENTS FOR GREENHOUSES TO REFLECT THE CORRECT SECTION REFERENCE; AMENDING SECTION 27.56.030(B) RELATING TO HEIGHT OF BUILDINGS IN CAPITOL ENVIRONS AREA TO REVISE INCORRECT REFERENCE TO RELATED CODE SECTION; AMENDING SECTION 27.81.030 AND SECTION 1.04.090 TO CHANGE CATCHHEADS TO CATCHWORDS; AND REPEALING FIGURE 27.67.040, SECTION 27.56.030(B), SECTION 27.81.030, AND SECTION 1.04.090 AS HITHERTO EXISTING;

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 10.34 OF THE LINCOLN MUNICIPAL CODE ENTITLED "PARKING METERS" BY AMENDING SECTION 10.34.030 RELATING TO PARKING FEES AND TIME LIMITS TO AMEND THE DEPARTMENT AUTHORIZED TO SET PARKING FEES; AND REPEALING SECTION 10.34.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Jeff Kirkpatrick, City Attorney, came forward and explained they try to come before Council once a year with a series of technical and consent amendments. The first change comes from Public Works with two changes. The first is changing Traffic Operations to Traffic Engineering. This is a name change that represents the change of philosophy within that division. They have already created a Right-Of-Way Management Division and the second change calls that division out within the code. This is a result of the right-of-way being managed more and more professionalized in the last few years. The second ordinance comes from Human Resources for a number of relatively minor changes. The changes reflect the way things are operated now and everything being submitted electronically. This change is mostly because people do not apply through the mail anymore. There is a significant change as far as veterans preference and how that is applied, which is due to a change in State Law. There are a couple of changes in regards to what happens when an email is undeliverable, a change in the notification examination results. The next ordinance is regarding the Library Board, the Library is not changing what it has been doing, it is looking to change the Code to reflect what it has been doing. For example, they have not elected a secretary for some time, and the duties of the secretary are now carried out by a staff person. The Library does submit annual reports, but they do not need to be signed by the President, nor do they have to be signed by affidavit by the board. The LES change is a simple change where it states Article 11 refers to LES, when in actuality it is Article 9 that refers to LES. The charter will not be changed in regards to LES, they just want the change to reflect the accurate article. The next change is to remove the entire chapter that refers to charitable solicitation. This could be considered a policy change, but this was brought as part of the consent amendments due to this being in the code for quite some time, and over time fewer and fewer people became aware of this and were not filing for the permit to do charitable solicitation and were not filing the proper reports that are required under the Code. The City Attorney recommendation is to delete the entire sections because it is not needed and because, for the most, part in the City it is being ignored. If this section is not deleted then that would be instruction for the Clerks Office and to the Law Department that we would be actively enforcing this. This would require a significant amount of resources making sure the charitable community knows to file under the code and making sure they file their annual reports. A few years ago, there were several changes pertaining to changing all reference from Pershing Auditorium to Pinnacle Bank Arena. There was one reference that was missed that still referenced the Pershing Auditorium. The next change is a Code change regarding changing the length of the paintings allowed on the curbs for home addresses. The request states the numbers have to be at least 3 inches high, but if an individual wants larger numbers that is allowed as well as allowing different colors as long as the contrast is clear enough to see. The next change comes from Public Works to change the Wastewater to Water Resource Recovery, which reflects not just a name change, but an ongoing change in philosophy as to how we regard wastewater. It is not a matter of cleaning up sewage so we can dispose of it, but also using it as a resource. The other change is regarding the references to the Department of Environmental Control, which has not existed since the early 90's. That has since been changed to the Department of Environmental Quality. Since there was a code change to this section, it also made sense to clean correct the name change. The next one comes from the Planning Department regarding technical amendments and a few clean ups regarding a previous Code change. The final item clarifies that the setting of parking fees is not longer set by Public Works, but is now set by Urban Development.

Jon Camp, Council Member, stated he thought Council was the final authority on setting the rates.

Mr. Kirkpatrick said the change transfers authority to Urban Development, it does not give the Director of Urban Development any more authority than it did to the Director of Public Works.

Mr. Camp shared that he wanted a language change to state the the Director of Urban Development can recommend a parking rate but that City Council has the final say.

Cyndi Lamm, Council Member, asked when the Library Board stopped submitting things by affidavit under the rules and why.

Mr. Kirkpatrick explained he could not confirm when they stopped, but he was President of the Library Board about 7 years ago, and at that time he was not signing an affidavit. The requirement is to submit an annual report, which is still practices, but at some point the affidavits stopped.

Ms. Lamm inquired about the charitable solicitation and if they have to inform law enforcement that they will be soliciting or can someone call law enforcement to see if the charities are allowed to go door to door.

Mr. Kirkpatrick stated that anyone can call the Clerk's Office to see if someone has a permit. There is a separate provision that requires all individuals who are going door to door to have a Peddler's Permit, which allows individuals to go door to door. The Peddler's Permit section will not be affected by these changes and individuals will still be required to go through a background check to be able to obtain a Peddler's Permit.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$175,000.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 41) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90124 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council, and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$175,000.00 from said gross funds for the human services, as listed in Attachment "A" (Keno H.S. Prevention Fund Round 41) attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The designation of \$175,000.00 from the operation of keno lottery for the human services, as listed in Attachment "A", is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A MULTI-YEAR CIP CONSTRUCTION CONTRACT MANAGEMENT SYSTEM UPGRADE BETWEEN THE CITY OF LINCOLN AND AURIGO SOFTWARE TECHNOLOGIES, INC - PRIOR to reading:

CAMP Moved to delay Action 1 week to 12/19/16.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING THE PARTICIPATING PROVIDER AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND WELLCARE OF NEBRASKA, INC. TO ALLOW THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO RECEIVE REIMBURSEMENT FOR MEDICAID APPROVED MEDICAL SERVICES STARTING JANUARY 1, 2017 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90125 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Participating Provider Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department (LLCHD) and WellCare of Nebraska, Inc., to allow the Lincoln-Lancaster County Health Department to be recognized as a Contracted Provider by WellCare of Nebraska for the purpose of receiving reimbursement for Medicaid approved medical services starting January 1, 2017, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Participating Provider Agreement to Judy Halstead, Lincoln-Lancaster County Health Department Director, for transmittal to WellCare of Nebraska, Inc.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING THE MICROSOFT ENTERPRISE AGREEMENT BETWEEN THE CITY OF LINCOLN AND MICROSOFT CORPORATION FOR A NEW LICENSING PLAN FOR ENTERPRISE EMAIL LICENSING WITH MICROSOFT - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90126 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Microsoft Enterprise Agreement between the City of Lincoln and Microsoft Corporation for a new licensing plan for Enterprise email licensing with Microsoft, for a three year term, effective upon execution by both parties, upon the terms and conditions as set forth in said Microsoft Enterprise Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

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APPROVING THE SELECTION OF K2 REAL ESTATE DEVELOPMENT, LLC AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT WITH THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR THE CAVETT CONNECTOR TRAIL PROJECT NO. ENH-55(172) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90127 WHEREAS, the City of Lincoln adopted Resolution No. A-85892 on June 14, 2010 approving the Agreement for the use of Surface Transportation Program Funds for the Cavett Connector Trail Project No. ENH-55(172); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected K2 Real Estate Development, LLC as the low bidder to whom the contract should be awarded.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City concurs in the selection of the above mentioned contractor, that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method, that the City approves and authorizes the attached Resolution from the State of Nebraska Department of Roads, and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to Sara Hartzell, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON OCTOBER 31, 2016 - DEPUTY Clerk presented said report which was placed on file in the Office of the City Clerk. **(5-21)**

**PETITIONS & COMMUNICATIONS**

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 07010A, requested by P & R Architects, to expand the existing store, including the alcohol sales area, on property generally located at 4335 North 70th Street.

Text Amendment No. 16019, requested by Roger Schwisow, to amend Sections 27.06.180, 27.62.150, and 27.63.470 of the Lincoln Municipal Code to add "Assembly Facilities" as a conditional use in the H-4 District and allow "Assembly Facilities" in the Planned Service Commercial special permit, and repealing Sections 27.06.180, 27.62.150, and 27.63.470 of the Lincoln Municipal Code as hitherto existing

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 16073 to Use Permit No. 128B, Morning Glory Estates, approved by the Planning Director on December 1, 2016, to delete the land use table for individual lots, increase the maximum total building area to 121,000 square feet, and remove unnecessary notes, generally located at N. 84<sup>th</sup> and Holdrege Streets.

Administrative Amendment No. 16078 to Change of Zone No. 05077, Thunderstone PUD, approved by the Planning Director on December 1, 2016, to revise the building layout and clarify parking for assembly uses, generally located at N.W. 40<sup>th</sup> and W. O Streets.

**LIQUOR RESOLUTIONS - NONE**

**PUBLIC HEARING - RESOLUTIONS**

AUTHORIZING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ALTERNATIVES PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO FUND THE CONSTRUCTION OF THE BEAL SLOUGH TRAIL THAT CONNECTS THE HELEN BOOSALIS TRAIL TO THE YANKEE HILL TRAIL, FROM APPROXIMATELY 56<sup>TH</sup> AND LONDON ROAD TO 70<sup>TH</sup> AND YANKEE HILL ROAD - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90128 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached LPA Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads for the use of Transportation Alternatives Program (TAP) Funds for the purpose of constructing the Beal Slough Trail that connects the Helen Boosalis Trail to the Yankee Hill Trail, from approximately 56<sup>th</sup> and London Road to 70<sup>th</sup> and Yankee Hill Road, Project No. TAP-55(182), CN 13366, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to sign any relevant documents to obtain financial assistance, including the attached LPA Program Agreement with the State of Nebraska, on behalf of the City of Lincoln.

The total estimated cost of the project is estimated to be \$1,105,609 with 80%, or \$884,486, of the project costs are from TAP funding, and \$221,123, or 20% of the costs, covered with City Impact Fees.

The City Clerk is directed to return the executed copy of the LPA Program Agreement to Sara Hartzell, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.



Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: Camp.

ASSESSING LIENS FOR COSTS OF REGISTRATION FEES AND PENALTIES FOR NEGLECTED BUILDINGS ON THE PROPERTIES GENERALLY LOCATED AT 1609 SOUTH 27<sup>TH</sup> STREET, 2125 SOUTH 14<sup>TH</sup> STREET, 3275 HITCHCOCK STREET, 1709 NORTH 29<sup>TH</sup> STREET, 3145 S STREET, 2217 NORTH 67<sup>TH</sup> STREET, 2236 Y STREET, AND 5120 L STREET - PRIOR to reading:

CAMP Moved to Amend Bill No. 16R-266 by accepting the substitute Exhibit 'A' attached hereto to replace Exhibit 'A' provided with Bill No. 16R-266 (Notice of Assessment - Cost For Neglected Building Registrations).

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CAMP Moved to Amend Bill No. 16R-266 to remove 2236 Y Street.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90129 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 21.09.100 of the Lincoln Municipal Code, the costs of registration fees and penalties for neglected buildings as shown on the list which is attached hereto, marked Exhibit 'A' and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 12, 2016 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments. The City Clerk is instructed to record this resolution with the Lancaster County Register of Deeds and return the recorded lien to Christopher J. Connolly, Assistant City Attorney.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016 - PRIOR to reading:

RAYBOULD Moved to Amend Bill No. 16R-271 to substitute new Attachment 'A' presented by Brent Meyers.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90130 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached Weed Assessment Tax Report for January 1, 2016 through December 31, 2016 be and the same are hereby assessed against the properties set opposite each amount, as shown on Attachment "A".

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

#### **PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS**

STREET & ALLEY VACATION 16004 – VACATING A PORTION OF THE NORTH 46<sup>TH</sup> STREET PUBLIC RIGHT-OF-WAY BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF ORCHARD STREET AND THE NORTH RIGHT-OF-WAY LINE OF Y STREET. (RELATED ITEMS: 16-121, 16-122, 16R-261) - CLERK read an ordinance, introduced by Carl Eskridge, vacating a portion of the North 46th Street public right-of-way from the south right-of-way line of Orchard Street south to the north right-of-way line of Y Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 16029 – APPLICATION OF JUDETH AND HAROLD HOPPE FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT AND FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 46<sup>TH</sup> AND ORCHARD STREETS. (RELATED ITEMS: 16-121, 16-122, 16R-261) - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 16008 – APPLICATION OF JUDETH AND HAROLD HOPPE TO ALLOW FOR THE CONSTRUCTION OF AN OFFICE IN AN R-T RESIDENTIAL TRANSITION DISTRICT, WITH WAIVERS TO R-T DISTRICT PARKING LOT SETBACKS AND SIGN LOCATION, ON PROPERTY GENERALLY LOCATED AT NORTH 46<sup>TH</sup> AND ORCHARD STREETS. (RELATED ITEMS: 16-121, 16-122, 16R-261) (ACTION DATE: 12/19/16)

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AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$320,000 IN TIF FUNDS FOR THE VICTORY PARK – VA CAMPUS PHASE 1 VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) HOUSING PROJECT. (RELATED ITEMS: 16-123, 16R-267) (ACTION DATE: 12/19/16)

AUTHORIZING AMENDMENTS TO ORDINANCE NO. 20261 APPROVED OCTOBER 26, 2015 AUTHORIZING TAX ALLOCATION BONDS FOR THE VICTORY PARK – VA CAMPUS REDEVELOPMENT PROJECT. (RELATED ITEMS: 16-123, 16R-267) - CLERK read an ordinance, introduced by Carl Eskridge, amending ordinance no. 20261 to change the principal amount of bonds which may be issued; to repeal certain provisions of ordinance no. 20261 in connection therewith; taking other action in connection with the foregoing; and related matters, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION BY AMENDING SECTION 2.02.130 TO REDESIGNATE THE TRAFFIC OPERATIONS DIVISION AS THE TRAFFIC ENGINEERING DIVISION, ADDING THE RIGHT-OF-WAY MANAGEMENT DIVISION, AND REPEALING SECTION 2.02.130 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 2.02 of the Lincoln Municipal Code relating to Governmental Organization by amending Section 2.02.130 to redesignate the Traffic Operations division as the Traffic Engineering division, adding the Right-of-Way Management division, and repealing Section 2.02.130 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM BY AMENDING SECTIONS 2.76.215, 2.76.220, 2.76.260, 2.76.275, AND 2.76.320 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY CERTAIN MATTERS RELATING TO THE HUMAN RESOURCES DEPARTMENT INCLUDING APPLICATION PROCEDURES, VETERAN PREFERENCES, EXAMINATION STANDINGS, AND REMOVAL OF NAMES FROM ELIGIBILITY LISTS AND REPEALING SECTIONS 2.76.215, 2.76.220, 2.76.260, 2.76.275, AND 2.76.320 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personnel System by amending Sections 2.76.215, 2.76.220, 2.76.260, 2.76.275, and 2.76.320 of the Lincoln Municipal Code to clarify certain matters relating to the Human Resources Department including application procedures, veteran preferences, examination standings, and removal of names from eligibility lists and repealing Sections 2.76.215, 2.76.220, 2.76.260, 2.76.275, and 2.76.320 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LIBRARY BOARD BY AMENDING SECTIONS 4.20.020, 4.20.030, AND 4.20.040 TO CLARIFY CERTAIN LIBRARY BOARD PROCEDURES AND REPEALING SECTIONS 4.20.020, 4.20.030, AND 4.20.040 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 4.20 of the Lincoln Municipal Code relating to the Library Board by amending Sections 4.20.020, 4.20.030, and 4.20.040 to clarify certain library board procedures and repealing Sections 4.20.020, 4.20.030, and 4.20.040 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 4.24 OF THE LINCOLN MUNICIPAL CODE ENTITLED “LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD” BY AMENDING SECTION 4.24.070 RELATING TO POWERS AND DUTIES; SPECIFICALLY TO REFER TO THE APPROPRIATE ARTICLE IN THE CITY CHARTER; AND REPEALING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 4.24 of the Lincoln Municipal Code entitled “Lincoln Electric System Administrative Board” by amending Section 4.24.070 relating to Powers and Duties; specifically to refer to the appropriate Article in the City Charter; and repealing Section 4.24.070 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY REPEALING CHAPTER 5.18 ENTITLED “CHARITABLE SOLICITATIONS” IN ITS ENTIRETY BY REPEALING SECTIONS 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050, 5.18.060, 5.18.070, 5.18.080, 5.18.090, 5.18.100, 5.18.110, 5.18.120, AND 5.18.130 - CLERK read an ordinance, introduced by Carl Eskridge, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by repealing Chapter 5.18 entitled “Charitable Solicitations” in its entirety by repealing Sections 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050, 5.18.060, 5.18.070, 5.18.080, 5.18.090, 5.18.100, 5.18.110, 5.18.120, and 5.18.130, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE ENTITLED “ANIMAL CONTROL REGULATIONS – GENERALLY” BY AMENDING SECTION 6.04.210 RELATING TO PERMIT REQUIRED TO HAVE ANIMAL EXHIBIT OR RIDES TO CHANGE THE REFERENCE FROM PERSHING AUDITORIUM TO THE PINNACLE BANK ARENA; AND REPEALING SECTION 6.04.210 OF THE LINCOLN MUNICIPAL CODE AS

HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 6.04 of the Lincoln Municipal Code entitled “Animal Control Regulations – Generally” by amending Section 6.04.210 relating to Permit Required to Have Animal Exhibit or Rides to change the reference from Pershing Auditorium to the Pinnacle Bank Arena; and repealing Section 6.04.210 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 14.24.060 OF THE LINCOLN MUNICIPAL CODE RELATING TO STREET NUMBER ON CURB OF PAVING TO AMEND THE DESCRIPTION OF HOW ADDRESS NUMBERS CAN BE PAINTED ON CURBS; AND REPEALING SECTION 14.24.060 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 14.24.060 of the Lincoln Municipal Code relating to Street Number on Curb of Paving to amend the description of how address numbers can be painted on curbs; and repealing Section 14.24.060 of the Lincoln Municipal Code as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 17.58 OF THE LINCOLN MUNICIPAL CODE ENTITLED “REGULATION OF WASTEWATER DISCHARGE” BY AMENDING SECTIONS 17.58.010, 17.58.050, 17.58.060, 17.58.110, 17.58.135, AND 17.58.170 TO REDESIGNATE WASTEWATER TREATMENT PLANTS AS WATER RESOURCE RECOVERY FACILITIES; AND REPEALING SECTIONS 17.58.010, 17.58.050, 17.58.060, 17.58.110, 17.58.135, AND 17.58.170 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 14.24.060 of the Lincoln Municipal Code relating to Street Number on Curb of Paving to amend the description of how address numbers can be painted on curbs; and repealing Section 14.24.060 of the Lincoln Municipal Code as hitherto existing, the second time.

TECHNICAL AMENDMENTS ORDINANCE AMENDING CHAPTER 27.67 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING BY AMENDING FIGURE 27.67.040 TO REVISE THE SPECIAL PARKING REQUIREMENTS FOR GREENHOUSES TO REFLECT THE CORRECT SECTION REFERENCE; AMENDING SECTION 27.56.030(B) RELATING TO HEIGHT OF BUILDINGS IN CAPITOL ENVIRONS AREA TO REVISE INCORRECT REFERENCE TO RELATED CODE SECTION; AMENDING SECTION 27.81.030 AND SECTION 1.04.090 TO CHANGE CATCHHEADS TO CATCHWORDS; AND REPEALING FIGURE 27.67.040, SECTION 27.56.030(B), SECTION 27.81.030, AND SECTION 1.04.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 27.67 of the Lincoln Municipal Code relating to Parking by amending Figure 27.67.040 to revise the Special Parking Requirements for Greenhouses to reflect the correct section reference; amending Section 27.56.030(b) relating to Height of Buildings in Capitol Environs Area to revise incorrect reference to related code section; amending Section 27.81.030 and Section 1.04.090 to change Catchheads to Catchwords; and repealing Figure 27.67.040, Section 27.56.030(b), Section 27.81.030, and Section 1.04.090 as hitherto existing, the second time.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 10.34 OF THE LINCOLN MUNICIPAL CODE ENTITLED “PARKING METERS” BY AMENDING SECTION 10.34.030 RELATING TO PARKING FEES AND TIME LIMITS TO AMEND THE DEPARTMENT AUTHORIZED TO SET PARKING FEES; AND REPEALING SECTION 10.34.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 10.34 of the Lincoln Municipal Code entitled “Parking Meters” by amending Section 10.34.030 relating to Parking Fees and Time Limits to amend the department authorized to set parking fees; and repealing Section 10.34.030 of the Lincoln Municipal Code as hitherto existing, the second time.

#### **ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS**

TEXT AMENDMENT 16011 – AMENDING SECTION 27.67.066 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PARKING REQUIREMENTS FOR CERTAIN USES IN THE H-3 ZONING DISTRICT BY UPDATING THE NAMES OF THE USES TO MATCH NAMES USED IN THE USE GROUP TABLES; AND REPEALING SECTION 27.67.066 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Roy Christensen, Section 27.67.066 of the Lincoln Municipal Code relating to special parking requirements for certain uses in the H-3 Zoning district by updating the names of he uses to match names used in the Use Group Tables, and repealing Section 27.67.066 as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20393**, is recorded in Ordinance Book 32.

AMENDING CHAPTER 8.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO CHILD CARE PROGRAMS TO ADOPT STANDARDS THAT ARE MORE STRINGENT THAN CURRENT STATE REGULATIONS IN ORDER TO PROVIDE A HIGHER LEVEL OF HEALTH AND SAFETY PROTECTION FOR CHILDREN CARED FOR IN STATE LICENSED CHILD CARE CENTERS IN LINCOLN BY AMENDING SECTIONS 8.14.010, 8.14.030, 8.14.035, AND 8.14.070; ADDING NEW

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SECTIONS 8.14.095, 8.14.100, 8.14.101, 8.14.102, 8.14.103, 8.14.104, 8.14.105, AND 8.14.106; AND REPEALING SECTIONS 8.14.010, 8.14.030, 8.14.035, AND 8.14.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Roy Christensen, amending Chapter 8.14 of the Lincoln Municipal Code relating to Child Care Programs by amending Section 8.14.010 Definitions to include definitions for disinfected, fall zone, and sanitized; amending Section 8.14.030 Certificate of Compliance; Application to make more clear and definite: amending Section 8.14.035 Operator and Staff Training Requirements to change required training topics and to change requirements for those serving food in a program; amending Section 8.14.070 License to be Posted to make more clear and definite; by adding a new section numbered 8.14.095 to require injury reporting; by adding a new section numbered 8.14.100 to require communicable diseases reporting and enforcement of illness exclusion policy; by adding a new section numbered 8.14.101 to include sleeping surface requirements; by adding a new section numbered 8.14.102 to require infant care rooms to have a specific area dedicated for diaper changing and a permanently plumbed sink and for new facilities to have separate permanently plumbed sink for bottle and food preparation; by adding a new section numbered 8.14.103 to include requirements for diapering and toileting; by adding a new section numbered 8.14.104 to include requirements for wading and swimming activities; by adding a new section numbered 8.14.105 to require adequate house keeping and maintenance to protect the health of children; by adding a new section numbered 8.14.106 to require environmental safety standards concerning smoke, pest control, chemical safety, fire safety, sun safety, and indoor and outdoor playground safety; and repealing Section 8.14.010, 8.14.030, 8.14.035, and 8.14.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20394**, is recorded in Ordinance Book 32.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SAFE OPERATION ON CITY SIDEWALKS, STREETS, AND CROSSWALKS BY PEOPLE USING SKATES, SKATEBOARDS, SCOOTERS, TOY VEHICLES, AND SIMILAR CONVEYANCES BY ADDING A NEW SECTION NUMBERED 10.02.316; AMENDING SECTION 10.24.010; AND REPEALING SECTION 10.24.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

CAMP Moved to delay Action to 01/09/17.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

CLERK Read an ordinance, introduced by Roy Christensen, amending Title 10 of the Lincoln Municipal Code relating to the safe operation on city sidewalks, streets, and crosswalks by people using skates, skateboards, scooters, toy vehicles, and similar conveyances, the third time.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE RIGHT-OF-WAY FOR BICYCLE RIDERS BY AMENDING THE DEFINITION OF "BICYCLE" IN SECTION 10.02.050; AMENDING THE DEFINITION OF "CROSSWALK" IN SECTION 10.02.090; ADDING A NEW SECTION NUMBERED 10.02.335 FOR THE DEFINITION OF "SHARED-USE PATH"; ADDING A NEW SECTION NUMBERED 10.14.135 ENTITLED "CLEARANCE WHEN OVERTAKING BICYCLES"; AMENDING SECTION 10.14.180 TO INCLUDE MORE SPECIFIC INSTRUCTIONS FOR TURN RIGHT HAND SIGNAL TO BE USED BY ANY PERSON OPERATING A BICYCLE; ADDING A NEW SECTION NUMBERED 10.30.055 ENTITLED "DRIVERS TO EXERCISE DUE CARE WITH PEDESTRIANS"; AMENDING SECTION 10.48.130 ENTITLED "RIGHT-OF-WAY"; AMENDING SECTION 10.48.140 ENTITLED "RIGHT TURN LANES"; AMENDING SECTION 10.48.150 ENTITLED "LEFT TURNS"; AMENDING SECTION 10.48.170 ENTITLED "RIDING ON SIDEWALK AND SIDEWALK SPACE REGULATED"; AMENDING SECTION 10.54.070 ENTITLED "OPERATION ON FREEWAY OR SIDEWALKS PROHIBITED"; AND REPEALING SECTIONS 10.02.050, 10.02.090, 10.14.180, 10.48.130, 10.48.140, 10.48.150, 10.48.170, AND 10.54.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Roy Christensen, amending Title 10 of the Lincoln Municipal Code relating to the Right-Of-Way for bicycles riders, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20395**, is recorded in Ordinance Book 32.

APPROVING AN UPDATED MASTER PLAN FOR WOODS PARK FOR ADJUSTMENT OF PARKING LOTS TO ACCOMMODATE EXPANDED USES AT THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90131 WHEREAS, the Master Plan for the development of Woods Park was originally adopted by the City Council by Resolution No. A-74659 on February 18, 1992, with several amendments to the Master Plan since that date; and

WHEREAS, the Park and Recreation Advisory Board reviewed said amendments to the updated Master Plan for Woods Park at its November 10, 2016 meeting regarding adjustments of parking lots to accommodate expanded uses of the Lincoln-Lancaster County Health Department and recommended approval thereof; and

WHEREAS, this recommendation is presented to City Council for final approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the updated Woods Park Master Plan dated November 2016, a copy of which is attached hereto, is hereby approved and adopted as the development plan to be followed in further developing the park known as Woods Park and the facilities located thereon and therein.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: Camp.

APPROVING A CONSTRUCTION AND GROUND LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO, GOVERNING THE LEASE OF CURRENT AND EXPANDED FOOTPRINT OF LINCOLN CHILDREN'S ZOO TOGETHER WITH THE SCIENCE FOCUS PROGRAM/ZOO SCHOOL FOR STUDENTS OPERATED BY LPS ON THE TRIANGLE, GENERALLY BOUNDED BY 27<sup>TH</sup> STREET, NORMAL BOULEVARD, AND A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - PRIOR to reading:

FELLERS Moved to amend Bill No. 16-103 as follows:

1. Substitute the Construction and Ground Lease Agreement for Lincoln Children's Zoo attached hereto for the Construction and Ground Lease Agreement for Lincoln Children's Zoo attached to Bill No. 16-103.

2. Insert a new Section 5 to read as follows:

"The Agreement shall become effective on the date of approval of this Ordinance by City Council."

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, accepting and approving a Construction and Ground Lease Agreement between the City of Lincoln and Lincoln Children's Zoo for the lease of real property generally bounded by 27th Street, Normal Boulevard, and A Street ("the Triangle") in Lincoln, Nebraska, governing the lease of the current and proposed expanded area of the Lincoln Children's Zoo together with the Science Focus Program operated by LPS for its students, the third time.

CAMP Moved to pass the ordinance as amended.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20396**, is recorded in Ordinance Book 32.

APPROVING A REAL ESTATE PURCHASE AGREEMENT OF PARKING AREA BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO FOR THE SALE OF CITY OWNED PARKING LOT GENERALLY LOCATED AT 2847 SOUTH A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - CLERK read an ordinance, introduced by Jon Camp, approving a Real Estate Purchase Agreement of the parking area between the City of Lincoln and Lincoln Children's Zoo for the sale of the City owned parking log generally located at 2847 A Street, Lincoln, Nebraska and a portion of an adjacent vacated alley to the south, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20397**, is recorded in Ordinance Book 32.

APPROVING AN OPERATING AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN CHILDREN'S ZOO, GOVERNING ONGOING OPERATION OF LINCOLN CHILDREN'S ZOO ON LEASED CITY PROPERTY. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - PRIOR to reading:

FELLERS Moved to amend Bill No. 16-105 as follows:

1. Substitute the Operating Agreement for Lincoln Children's Zoo attached hereto for the Operating Agreement for Lincoln Children's Zoo attached to Bill No. 16-105.

2. Insert a new Section 4 to read as follows:

"The Agreement shall become effective on the date of approval of this Ordinance by City Council."

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, accepting and approving an Operating Agreement between the City of Lincoln and Lincoln Children's Zoo, governing ongoing operation of Lincoln Children's Zoo on leased City property, the third time.

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CAMP Moved to pass ordinance as amended.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20398**, is recorded in Ordinance Book 32.

AMENDING TITLE 12 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS BY REPEALING CHAPTER 12.36 ENTITLED "LINCOLN CHILDREN'S ZOO" IN ITS ENTIRETY BY REPEALING SECTIONS 12.36.010, 12.36.020, 12.36.030, 12.36.040, 12.36.050, 12.36.060, 12.36.070, 12.36.080, AND 12.36.090. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - CLERK read an ordinance, introduced by Jon Camp, amending Title 12 of the Lincoln Municipal Code relating to Parks by repealing Chapter 12.36 entitled "Lincoln Children's Zoo" in its entirety by repealing Sections 12.36.010, 12.36.020, 12.36.030, 12.36.040, 12.36.050, 12.36.060, 12.36.070, 12.36.080, 12.36.090 due to the contemporaneous approval of a Lease and Construction Agreement and Operating Agreement between the City of Lincoln and Lincoln Children's Zoo, both for fifty (50) year terms, that shall govern continued use and operation of the Lincoln Children's Zoo, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20399**, is recorded in Ordinance Book 32.

COMP. PLAN CONFORMANCE 16005 – DECLARING APPROXIMATELY 30,139 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 2847 A STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 30,139 square feet of City owned property generally located at 2847 A Street as surplus, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20400**, is recorded in Ordinance Book 32.

TEXT AMENDMENT 16010 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.170 TO PROVIDE THAT A PARKING LOT MAY BE ALLOWED BY SPECIAL PERMIT IN THE R-1 THROUGH R-8 ZONING DISTRICTS AND IN THE O-2 ZONING DISTRICT IF THE PARKING LOT IS LOCATED WITHIN 360 FEET FROM PROPERTY OCCUPIED BY A ZOO AND THE PARKING LOT IS PRIMARILY USED IN CONNECTION WITH SAID ZOO, AND REPEALING SECTION 27.63.170 AS HITHERTO EXISTING. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.170 to provide that a parking lot may be allowed by special permit in the R-1 through R-8 zoning districts and in the O-2 zoning district if the parking lot is located within 360 feet from property occupied by a zoo and the parking lot is primarily used in connection with said zoo, and repealing Section 27.36.170 as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20401**, is recorded in Ordinance Book 32.

CHANGE OF ZONE 16028 – APPLICATION OF THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20402**, is recorded in Ordinance Book 32.

STREET & ALLEY VACATION 16005 – VACATING A PORTION OF SOUTH 29<sup>TH</sup> STREET RIGHT-OF-WAY, A PORTION OF THE EAST-WEST ALLEY LOCATED IN BLOCK 2, ZEHRUNG AND AMES ADDITION, AND A PORTION OF WASHINGTON STREET RIGHT-OF-WAY, GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - CLERK read an ordinance, introduced by Jon Camp, vacating a portion of South 29th Street right-of-way, a portion of the east-west alley located in Block 2, Zehrung and Ames Addition, and a portion of Washington Street right-of-way, all located in the

Northwest Quarter of Section 31, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, generally located at 2847 A Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered #20403, is recorded in Ordinance Book 32.

SPECIAL PERMIT 16047 – APPLICATION OF OPAHC PROPERTIES, LLC TO CONSTRUCT AN ADDITIONAL PARKING LOT, INCLUDING WAIVERS TO SETBACKS AND STORM WATER DETENTION, ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90132 WHEREAS, Opahc Properties, LLC has submitted an application designated as Special Permit No. 16047 to construct an additional parking lot with associated waivers to front yard setback and storm water detention, on property generally located at 2847 A Street, and legally described as:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, BLOCK 2, ZEHRUNG AND AMES ADDITION, LOTS 2 THROUGH 6, BLOCK 2, ZEHRUNG AND AMES ADDITION, THE EAST 45.00' OF LOT 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, AND LOTS 17 AND 18, BLOCK 2, ZEHRUNG AND AMES ADDITION, A PORTION OF LOTS 7 AND 8, BLOCK 1, ZEHRUNG AND AMES ADDITION, AND, A PORTION OF EAST-WEST ALLEY IN BLOCK 2, ZEHRUNG AND AMES ADDITION, A PORTION OF SOUTH 29<sup>TH</sup> STREET RIGHT-OF-WAY, AND A PORTION OF VACATED WASHINGTON STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF "A" STREET, SAID POINT BEING 30.00' SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 7, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 30.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF S89°57'38"E, A DISTANCE OF 5.00' TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING S89°57'38"E ON THE NORTH LINE OF SAID LOT 7, AND ON THE NORTH LINE OF LOTS 6 THROUGH 1, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 30.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 311.03' TO A POINT LOCATED 10.00' WEST OF AND PERPENDICULAR TO THE CENTER LINE OF THE VACATED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE S28°29'03"E, ON A LINE LOCATED 10.00' WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 85.99' TO A POINT OF INTERSECTION WITH THE CENTER LINE OF NORTH 29<sup>TH</sup> STREET RIGHT-OF-WAY; THENCE S00°15'22"W, ON THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 58.32' TO POINT LOCATED 28' WEST OF AND PERPENDICULAR TO THE CENTER LINE OF THE VACATED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE S28°29'03"E, ON A LINE LOCATED 28.00' WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 210.21' TO A POINT OF INTERSECTION WITH A LINE LOCATED 16.00' NORTH OF AND PERPENDICULAR TO THE SOUTH RIGHT-OF-WAY LINE OF VACATED WASHINGTON STREET; THENCE N89°44'27"W, ON A LINE LOCATED 16.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 76.08' TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTH 29<sup>TH</sup> STREET; THENCE

S00°15'26"W, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.02' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 88°41'51", A RADIUS OF 55.00', AN ARC LENGTH OF 85.14', A CHORD LENGTH OF 76.89', A TANGENT LENGTH OF 53.76', AND A CHORD BEARING OF N44°05'33"W TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID POINT BEING ON THE SOUTH LINE OF LOT 18, BLOCK 2, ZEHRUNG AND AMES ADDITION; THENCE N89°55'27"W, ON THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID LINE BEING ON THE SOUTH LINE OF LOTS 17 AND 18, BLOCK 2, ZEHRUNG AND AMES ADDITION, AND ON THE EASTERLY EXTENSION OF SAID LINE, A DISTANCE OF 78.16' TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE N00°14'38"E, ON THE WEST LINE OF SAID LOT 17, AND ON A NORTHERLY EXTENSION OF SAID LINE, A DISTANCE OF 141.94' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE EAST-WEST ALLEY LOCATED IN BLOCK 2, ZEHRUNG AND AMES ADDITION; THENCE N89°46'02"W, ON THE NORTH LINE OF SAID EAST-WEST ALLEY, SAID LINE BEING THE SOUTH LINE OF LOTS 3 THROUGH 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, A DISTANCE OF 245.13' TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331; THENCE N00°07'25"E, ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331, A DISTANCE OF 130.21' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 69,510.94 SQUARE FEET OR 1.57 ACRES, MORE OR LESS;

WHEREAS, the real property adjacent to the area included within the site plan for this additional parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Opahc Properties, LLC, hereinafter referred to as "Permittee", to construct an additional parking lot with associated waivers to front yard setback and storm water detention, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction and operation of said additional parking lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves Parking in the R-6 and R-2 Residential Zoning Districts as shown on the site plan with waivers to front yard setback and storm water detention. The approval of this Special Permit is conditioned on the approval of the following associated applications: Change of Zone 16028, Text Amendment 16010, and Street and Alley Vacation 16005.
2. Before receiving building permits or before a final plat is approved:
  - a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below.
    - i. Identify that the only two existing trees shown on the grading plan, within the boundary of the special permit, are to be preserved.
    - ii. Revise Note #1 to state "Parking lot layout is conceptual. Any revision to the layout will be done by administrative amendment."
    - iii. Revise Note #3 to state that "a separate waiver was requested to the City of Lincoln Parking Lot Design Standards to allow Phase 2 of the Parking Lot to be surfaced with gravel/aggregate for a period of time not to exceed two (2) years."
    - iv. Change Note #4 to state "The Proposed 14¢ Access Easement on Block 2, Lot 17 will be surfaced with aggregate and will receive a concrete driveway approach from 5¢ north of the property line to the back of curb on Washington Street."
    - v. Change Note #9 to state "A landscape screen of at least 60% from ground elevation to a height of 10 feet will be provided along the west side of Lot 17, Zehrung and Ames Addition."
    - vi. Add a note to state that "at Washington Street and S. 29<sup>th</sup> Street measures will be taken to safely mark the new curve in the gravel street to the satisfaction of the Public Works & Utilities Department."
    - vii. Submit Plan with corrections to the satisfaction of the Public Works – Engineering Services Division.



- viii. Submit Plan with correction and information to the satisfaction of the Public Works & Utilities – Watershed Management Division.
- ix. Submit Plan with corrections to the satisfaction of the Public Works & Utilities – Water Division concerning Replacement Infiltration Basin over 24" water main.
- x. Submit Plan with corrections to the satisfaction of the Public Works & Utilities – Watershed Division concerning sanitary sewer. Easements need to be retained and access to manholes considered in the design for existing sanitary sewer that is located under the parking lot.
- xi. Submit Plan with corrections to the satisfaction of the Lincoln Electric System concerning easements that are needed for facilities.
- xii. Submit screening and landscaping plan that meets Design Standards to the satisfaction of the Planning Director and Parks & Recreation Department. This plan shall include street trees 50 feet on center to offset the reduction in front yard setback for the parking versus Washington Street/South 29<sup>th</sup> Street. Also, this plan shall include where adjacent to residential use, a screen evenly distributed horizontally, which may vary in height, so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the length of the abutting property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation.
- xiii. Submit final Site Plan with the updated legal description.
- b. Permittee shall provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.
- c. The construction plans must substantially comply with the approved plans.
- 3. All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee or an appropriately established association approved by the City.
- 4. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
- 6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will be issued unless the letter of acceptance has been filed.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

WAIVER 16007 – APPLICATION OF OPAHC PROPERTIES, LLC TO WAIVE PARKING LOT SURFACING REQUIREMENTS, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 2847 A STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) (ACTION DATE: 12/5/16) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90133 WHEREAS, Opahc Properties, LLC, pursuant to Lincoln Municipal Code § 27.67.100(c) has requested a waiver of parking lot surfacing requirements to allow Phase 2 of the Lincoln Children's Zoo expansion parking lot to be surfaced with gravel/aggregate for a period of time not to exceed two years on property generally located at 2847 A Street and legally described as:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, BLOCK 2, ZEHRUNG AND AMES ADDITION, LOTS 2 THROUGH 6, BLOCK 2, ZEHRUNG AND AMES ADDITION, THE EAST 45.00' OF LOT 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, AND LOTS 17 AND 18, BLOCK 2, ZEHRUNG AND AMES ADDITION, A PORTION OF LOTS 7 AND 8, BLOCK 1, ZEHRUNG AND AMES ADDITION, AND, A PORTION OF EAST-WEST ALLEY IN BLOCK 2, ZEHRUNG AND AMES ADDITION, A PORTION OF SOUTH 29<sup>TH</sup> STREET RIGHT-OF-WAY, AND A PORTION OF VACATED WASHINGTON STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF "A" STREET, SAID POINT BEING 30.00' SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 7, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 30.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF

SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF S89°57'38"E, A DISTANCE OF 5.00' TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING S89°57'38"E ON THE NORTH LINE OF SAID LOT 7, AND ON THE NORTH LINE OF LOTS 6 THROUGH 1, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 30.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 311.03' TO A POINT LOCATED 10.00' WEST OF AND PERPENDICULAR TO THE CENTER LINE OF THE VACATED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE S28°29'03"E, ON A LINE LOCATED 10.00' WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 85.99' TO A POINT OF INTERSECTION WITH THE CENTER LINE OF NORTH 29<sup>TH</sup> STREET RIGHT-OF-WAY; THENCE S00°15'22"W, ON THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 58.32' TO POINT LOCATED 28' WEST OF AND PERPENDICULAR TO THE CENTER LINE OF THE VACATED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE S28°29'03"E, ON A LINE LOCATED 28.00' WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID VACATED RAILROAD RIGHT-OF-WAY, A DISTANCE OF 210.21' TO A POINT OF INTERSECTION WITH A LINE LOCATED 16.00' NORTH OF AND PERPENDICULAR TO THE SOUTH RIGHT-OF-WAY LINE OF VACATED WASHINGTON STREET; THENCE N89°44'27"W, ON A LINE LOCATED 16.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 76.08' TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTH 29<sup>TH</sup> STREET; THENCE S00°15'26"W, ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.02' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 88°41'51", A RADIUS OF 55.00', AN ARC LENGTH OF 85.14', A CHORD LENGTH OF 76.89', A TANGENT LENGTH OF 53.76', AND A CHORD BEARING OF N44°05'33"W TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID POINT BEING ON THE SOUTH LINE OF LOT 18, BLOCK 2, ZEHRUNG AND AMES ADDITION; THENCE N89°55'27"W, ON THE NORTH RIGHT-OF-WAY LINE OF WASHINGTON STREET, SAID LINE BEING ON THE SOUTH LINE OF LOTS 17 AND 18, BLOCK 2, ZEHRUNG AND AMES ADDITION, AND ON THE EASTERLY EXTENSION OF SAID LINE, A DISTANCE OF 78.16' TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE N00°14'38"E, ON THE WEST LINE OF SAID LOT 17, AND ON A NORTHERLY EXTENSION OF SAID LINE, A DISTANCE OF 141.94' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE EAST-WEST ALLEY LOCATED IN BLOCK 2, ZEHRUNG AND AMES ADDITION; THENCE N89°46'02"W, ON THE NORTH LINE OF SAID EAST-WEST ALLEY, SAID LINE BEING THE SOUTH LINE OF LOTS 3 THROUGH 7, BLOCK 2, ZEHRUNG AND AMES ADDITION, A DISTANCE OF 245.13' TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331; THENCE N00°07'25"E, ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN CORPORATION WARRANTY DEED, FILED LANCASTER COUNTY REGISTER OF DEEDS, INSTRUMENT NUMBER 1997-027331, A DISTANCE OF 130.21' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 69,510.94 SQUARE FEET OR 1.57 ACRES, MORE OR LESS;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

In consideration of the findings made above, the request to waive parking lot surfacing requirements to allow Phase 2 of the Lincoln Children's Zoo expansion parking lot to be surfaced with gravel/aggregate for a period of time not to exceed two years on the property legally described above is hereby granted pursuant to § 27.67.100(c) of the Lincoln Municipal Code as follows:

1. This approval waives the requirement to pave the Phase 2 parking lot as shown on the attached site plan associated with Special Permit No. 16047 for two years from the time of approval. The entire Phase 2 area including the P zoned area outside the Special Permit would then be paved after 2 years.

2. Before use of the parking lot, all development and construction shall substantially comply with the approved plans.
3. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

CHANGE OF ZONE 16022 – APPLICATION OF THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT TO DESIGNATE THE AGER BUILDING ON ANTELOPE PARK TRIANGLE EAST OF 27<sup>TH</sup> AND B STREETS AS A LANDMARK, CHANGING THE ZONING DISTRICT FROM P PUBLIC USE TO P PUBLIC USE WITH LANDMARK OVERLAY, ON PROPERTY GENERALLY LOCATED AT 1300 SOUTH 27<sup>TH</sup> STREET. (RELATED ITEMS: 16R-245, 16-103, 16-104, 16-105, 16-106, 16-112, 16-113, 16-114, 16-115, 16R-246, 16R-247, 16-116) - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20404**, is recorded in Ordinance Book 32.

#### RESOLUTIONS - 1<sup>ST</sup> READING

APPOINTING DR. JANE MERLISS TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2017. (*CONSENT*)

REAPPOINTING AMANDA BARON, MICHEAL Q. THOMPSON, AND MELANIE WAYS TO THE HUMAN RIGHTS COMMISSION FOR TERMS EXPIRING DECEMBER 31, 2019. (*CONSENT*)

REAPPOINTING JON CAMP TO THE DISTRICT ENERGY CORP. FOR A TERM EXPIRING DECEMBER 31, 2018. (*CONSENT*)

APPOINTING KATIE ENGEL TO THE TELECOMMUNICATION/CABLE TELEVISION ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2019. (*CONSENT*)

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND BRYAN COLLEGE OF HEALTH SCIENCES FOR CLINICAL TRAINING AT EASTERDAY RECREATION CENTER FOR PUBLIC HEALTH STUDENTS FOR A TWO YEAR TERM. (*CONSENT*)

APPOINTING ELAINE HAMMER, NICK CUSICK, JOHN SPATZ, AND MARIAN PRICE TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING JULY 15, 2019. (*CONSENT*)

APPOINTING CLANCY WOOLMAN TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING SEPTEMBER 28, 2017. (*CONSENT*)

REAPPOINTING PATTE L. NEWMAN-NIEVEEN TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING JULY 15, 2019. (*CONSENT*)

APPOINTING KATHY CAMPBELL TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM OF JANUARY 4, 2017 THROUGH SEPTEMBER 1, 2019. (*CONSENT*)

APPOINTING DAN MARVIN TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM OF JANUARY 1, 2017 THROUGH SEPTEMBER 1, 2017. (*CONSENT*)

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES MARSHALS SERVICES AND LINCOLN POLICE DEPARTMENT TO INVESTIGATE AND APPREHEND LOCAL, STATE, AND FEDERAL FUGITIVES, THEREBY IMPROVING PUBLIC SAFETY AND REDUCING VIOLENT CRIMES. (*CONSENT*)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16-30, 2016.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN.

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USE PERMIT 26A – APPLICATION OF CHASE ELPL I, LLC TO CHANGE THE USE FROM HOTEL TO APARTMENTS WITH WAIVER OF PARKING REQUIREMENTS FROM TWO SPACES PER DWELLING UNIT TO ONE SPACE PER STUDIO APARTMENT AND TWO SPACES PER ONE BEDROOM AND WAIVER TO ALLOW PARKING IN THE SIDE YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT 200 SOUTH 68<sup>TH</sup> STREET PLACE.

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST.

AMENDING RESOLUTION NO. A-79056 TO ALLOW ADDITIONAL USE OF PUBLIC RIGHT-OF-WAY ALONG P STREET FOR AN ADA ACCESSIBLE RAMP AND ENTRANCE.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX RELATING TO FINANCE AND TAXATION, BY PROVIDING ANY TAX INCREASE FOR GENERAL REVENUE PURPOSES MAY NOT BE IMPLEMENTED WITHOUT A VOTE OF THE PEOPLE. A TEMPORARY TAX INCREASE, IN AN EMERGENCY, MUST BE APPROVED BY UNANIMOUS VOTE OF THE CITY COUNCIL AND GOES TO THE VOTERS IN THE NEXT CITY ELECTION.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX, SECTIONS 25, 25A, 26 AND 26A OF THE CHARTER RELATING TO THE CITY ANNUAL AND BIENNIAL BUDGETS.

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)**

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING SMALL CELL WIRELESS TECHNOLOGY ON CITY OWNED STREET LIGHT POLES - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving the Lease Agreement between the City of Lincoln and Verizon Wireless for the purpose of installing small cell wireless technology on City owned street light poles, the first time.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR PCS TOWER AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT BEAL SLOUGH DRAINAGE BASIN - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Beal Slough drainage basin and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the first time.

APPROVING AMENDMENT NO. 3 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT VAN DORN PARK - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 3 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Van Dorn Park and authorizing the Mayor to sign such Amendment No. 3 to Agreement on behalf of the City, the first time.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT STATE FAIR PARK - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at State Fair Park and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the first time.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT HOLMES LAKE - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Holmes Lake and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the first time.

- APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT NORTHWEST 56<sup>TH</sup> STREET AND FLETCHER AVENUE - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for PCS Tower and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Northwest 56th Street and Fletcher Avenue and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the first time.
- CHANGE OF ZONE 16036 – APPLICATION OF LINCOLN FEDERAL BANCORP, INC., WILDERNESS HILLS COMMERCIAL PLANNED UNIT DEVELOPMENT, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW FOR A MIX OF COMMERCIAL AND RESIDENTIAL USES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 27<sup>TH</sup> STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Trent Fellers, the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.
- CHANGE OF ZONE 05054E – AMENDING THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY OF THE PUD BY APPROXIMATELY 7.37 ACRES; APPROVING A CHANGE OF ZONE ON SAID 7.37 ACRES FROM AG AGRICULTURAL DISTRICT TO R-5 RESIDENTIAL DISTRICT PUD; AND DESIGNATING SAID 7.37 ACRES AS A PLANNED UNIT DEVELOPMENT DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 89<sup>TH</sup> STREET AND FREMONT STREET - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.
- TEXT AMENDMENT 16014 – AMENDING SECTION 27.61.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CONTINUATION OF NONSTANDARD USES TO AUTOMATICALLY ADJUST THE SETBACK FOR EXISTING BUILDINGS AND USES WHEN THE CITY OBTAINS PROPERTY FOR RIGHT-OF-WAY, AND REPEALING SECTION 27.61.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Trent Fellers, amending Section 27.61.090 of the Lincoln Municipal Code relating to the Continuation of Nonstandard Uses to automatically adjust the setback for existing buildings and uses when the City obtains property for right-of-way, and repealing Section 27.61.090 as hitherto excising, the first time.
- APPROVING THE TRANSFER OF FUNDS FROM APPROVED APPROPRIATIONS INTO THE GOLF COURSE IRRIGATION SYSTEMS CIP PROJECT FOR REPLACEMENT OF THE IRRIGATION PUMP STATION AND WET WELL AT PIONEERS GOLF COURSE - CLERK read an ordinance, introduced by Trent Fellers, approving the transfer of funds from approved appropriations into the Golf Course Irrigation System CIP project from replacement of the irrigation pump station and wet well at Pioneers Golf Course, the first time.
- COMP. PLAN AMENDMENT 16004 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM PUBLIC & SEMI-PUBLIC AND RESIDENTIAL-URBAN DENSITY TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279)
- CHANGE OF ZONE 16030 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS, FROM AG AGRICULTURAL TO R-1 RESIDENTIAL, AND FROM R-1 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 14<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279) - CLERK read an ordinance, introduced by Trent Fellers, amending the City of Lincoln Zoning District Map adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.
- USE PERMIT 16009 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A USE PERMIT TO ALLOW UP TO 177,000 SQUARE FEET OF NEW COMMERCIAL FLOOR AREA INCLUDING A RETAIL WAREHOUSE AND MOTORIZED VEHICLE FUEL FACILITY, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279)

**ADJOURNMENT**

**5:51 P.M.**

CAMP                    Moved to adjourn the City Council Meeting of December 12, 2016.  
                              Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,  
                              Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

\_\_\_\_\_  
Teresa Meier, City Clerk

\_\_\_\_\_  
Monet J. McCullen, Office Specialist